

Stakeholder Comments

Throughout the CLI, Stakeholders were encouraged to provide their comments on the initiative by E-mailing them to the website, responding to the PR notice and EPA publications/memos, and by contacting EPA staff directly. These comments are presented below. Comments from Stakeholders who participated in CLI Phase II subgroups are not presented here, since they are addressed in other sections of this report. For a list of all contributing Stakeholders who commented during Phase II, please refer to Appendix 8-1.

Comments on the CLI

Some of the Stakeholder comments addressed the focus of the CLI. One Stakeholder recommended that the EPA issue a clear statement specifying the reason behind its involvement in the CLI.

A few comments addressed the inclusion of certain groups of people into the planning group of the CLI. For example, one Stakeholder commented that the CLI planning and steering group should include consumers. Another person thought that public interest groups should be included in the list of Partners (the Stakeholder provided a list of examples of groups that could be included).

One commenter suggested expanding the range of products that are covered by the CLI to include scented candles. They cited a report that scented candles may be harmful to pregnant women and young children because some of these candles, according to the report, may emit volatile organic compounds (VOCs), reproductive toxins, neuro-toxins, and/or carcinogens. The commenter requested that candles intended to be burned in the home list all ingredients and that their labels give warning regarding inhalation of emissions from these candles.

Comments on EPA Policy

One Stakeholder commented that to address the root of the labeling issue, EPA would have to make a policy decision. He/she wrote that “to improve public health, and curtail environmental degradation from inappropriate disposal of hazardous pesticides and cleaners, it will be necessary to take a proactive stand,” and suggested that the EPA “mandate, legislate, and eliminate the casual and unnecessary use” of hazardous pesticides and cleaners. Using pesticides as an example, the Stakeholder reasoned that “if pesticides are bad or questionable, if the chemicals can, or may initiate cancer in children, or manifest disease years after exposure, if they are polluting our water, poisoning our fish, contaminating our soil, and degrading our air, we must ask ourselves, ‘Do we want them to be so easily available, with a bunch of small print caveats that no one is going to bother reading anyway?’”

Comments on Quantitative Research

Regarding the quantitative study, some Stakeholders were interested in ensuring that the survey adequately represented minority, low-income, and low-education consumers. One Stakeholder suggested broadening the study to include respondents with different cultural backgrounds and who speak languages other than English. Another wanted to know if the survey would target

product users involved in janitorial, gardening and cleaning businesses and was glad to find out that the quantitative survey planned to address non-users of products as well as users. (Non-product users were not tested but were screened.)

One Stakeholder recommended that the study test a variety of alternative labels, both current labels and prototypes. This person also wanted the study to explore the possibility of listing factors that are unknown about a product, such as whether a specific ingredient has been tested for possible adverse health effects, writing: “Current label information does not indicate the extent to which ingredients are tested and which ingredients the health precautions apply to. Without either explanation or a mock label that somehow indicates that this information is missing, respondents are not likely to raise this as an issue. The study leaves in place the ‘what you don’t know can’t hurt you’ aspect of current labeling.”

Another Stakeholder requested that the quantitative study include a clear statement of purpose, in order to focus participants on environmental and health information.

Comments on Labeling

Stakeholders made suggestions about information to include on product labels. One person, who suffers from a medical reaction to formaldehyde, requested that formaldehyde be listed on all products, even when it is not an active ingredient. Another citizen commented that product labels ought to include the instruction, “do not flush down toilet.”

One Stakeholder suggested the use of icons or graphics for products containing chemicals that are potentially harmful to children and pets. This person recommended that these products prominently feature an “obvious, easily understood WARNING with a picture of a small child, and a pet on the front label to immediately put people on notice without reading any further, or for those lacking full command of the language.”

Another Stakeholder pointed out that the EPA should not overlook the importance and value of labeling requirements, which may not have immediate use for the consumer, but which may force a manufacturer to reformulate a product to reduce a health risk. This person urged the EPA to look at the experience of California, a state with its own specific labeling criteria, as an example for potential label reform. The commenter had contributed during Phase I and felt that his/her organization’s earlier comments had been “completely ignored.”

A person who submitted comments stressed the importance of making label language very simple, pointing out that young adults often may not comprehend the language on product labels and may sometimes use these products. The citizen also pointed out that simpler language is essential for product users who might have limited English reading skills.

Comments on Consumer Education

Opinions on the proposed consumer education campaign varied. One Stakeholder thought that the “Read the Label *FIRST!*” campaign was an important component of the CLI. Another person felt that the education campaign was doomed to failure, reasoning that the CLI effort would not be able to compete with the persuasive advertising campaigns of companies.

Representatives from the Working Group on Community Right-to-Know, Consumers Union, Environmental Working Group, Farmworker Justice Fund, Friends of the Earth, National Coalition Against the Misuse of Pesticides, Natural Resources Defense Council, Northwest Coalition for Alternatives to Pesticides, U.S. Public Interest Research Group, and World Wildlife Fund submitted a joint letter to the CLI. These groups expressed concern about the timing of the consumer education project. Their letter urged the EPA to address the following questions before proceeding with the consumer education project:

- # How will the project educate the public about the presence and potential hazards of most toxic ingredients, which are not disclosed on pesticide product labels?
- # How will the project change the behavior of manufacturers (as opposed to the behavior of consumers)?
- # What CLI milestones has EPA established for requiring full disclosure on pesticide product labels and for resolving alleged confidential business information issues?
- # How will the project communicate that certain information on health and environmental hazards is not available, i.e., for inert ingredients, contaminants, and toxic metabolites, and that EPA relies on industry self-certification for information?

Comments on the Flammability of Products

A Stakeholder, whose business was destroyed in a fire caused by an aerosol pesticide product, expressed concern with the flammability of products. This person wrote, “I have interviewed fire protection officials all over this country, and these products have been causing thousands of fires and killing people for many years.” The citizen was also upset that the CLI had not been initiated earlier.

Comments on Disclosure

Representatives from the Working Group on Community Right-to-Know, Consumers Union, Environmental Working Group, Farmworker Justice Fund, Friends of the Earth, National Coalition Against the Misuse of Pesticides, Natural Resources Defense Council, Northwest Coalition for Alternatives to Pesticides, U.S. Public Interest Research Group, and World Wildlife Fund also commented on disclosure of ingredient information on product labels. They expressed concern about what they saw as, “the agency’s lack of progress on requiring manufacturers to fully disclose toxic ingredients and health hazards on labels.” Their letter followed up on a letter that they and 60 other environmental, consumer and public health organizations had sent during Phase I.

Comments Relating to Storage and Disposal Issues

Respondents to the information request sent to the North American Hazardous Materials Management Association (NAHMMA) shared additional comments and opinions on storage and disposal of product containers. The Sonoma County Waste Management Agency stated that incorrect label instructions, such as, “wrap in newspaper and throw in trash,” have led to illegal

and harmful disposal of household hazardous wastes (HHW). As a result of illegal and/or harmful disposal of these wastes, Sonoma County has had to spend millions of dollars to divert these wastes from their local landfill (HHWs are not accepted in Sonoma County's landfill).

Additionally, the County attributes incorrect labeling instructions to the fact that in 1996, while 70% of their local population were aware of their local HHW program, the same percentage did not know they possessed HHWs.

The Sonoma County representative suggested that the EPA require product labels to indicate whether the product is hazardous and suggested adding to the label a toll-free number providing local or state disposal information. The County feels that this is a better option than the current language of, "contact your local waste management department." Finally, the Sonoma County Waste Management Agency would like the EPA to require full disclosure of product contents on labels. The County feels that this will be more effective than warning labels, in providing consumers with an indication of the potential hazard of the product.

Comments were also provided by the State of Wisconsin's Department of Agriculture, Trade and Commerce Protection. The Department stated that labels are already too cluttered with information, and that adding more information to labels will not be beneficial for consumers. The Department pointed out that consumers are able to cope with only "so much information" and the EPA should not present more than basic storage and disposal information on labels. Finally, the Department suggested that the EPA work with industry representatives when developing labeling language.

In September 1998, CSMA and HIPIC sent a letter to Deputy Assistant Administrator of the EPA's Office of Prevention, Pesticides and Toxic Substances (OPPTS), Susan Wayland, stating their position that they do not support the recommended label language advocated by EPA staff and some of the other Storage and Disposal Work Group members. They believe the claim that there is sufficient need or justification to warrant inclusion of a statement on product labels directing consumers to contact their local authorities for disposal information, when disposing of partially full containers is not supported by any compelling evidence. CSMA and HIPIC believe there is a substantial body of scientific support for making the recommendation to dispose of these products through the normal waste systems, either in the trash or down the drain, depending on product type. They stated that no such scientific support for directing consumers to call their local authorities has been presented to the Work Group. The letter also offers comments about some of the work presented to the Work Group, and includes comments regarding the quality of information disseminated by local authorities.

In January 1999, the North American Hazardous Materials Management Association (NAHMMA), sent a letter to Mr. Stephen Johnson, Acting Deputy Assistant Administrator, OPPTS, thanking him for meeting with them in late December on the Consumer Labeling Initiative (CLI). The letter outlined NAHMMA's position on several of the issues that arose in the meeting. NAHMMA reiterated the State and Local Agency position that pesticide product labels should refer product users to an appropriate local agency for disposal instructions and, if necessary, to the state waste management agency. Some of the major issues discussed were: 1) language could be added to the above disposal instruction referring callers to a toll-free hotline if the caller can't reach a local contact; NAHMMA suggests either EPA's RCRA/Superfund or NPTN hotline could be that number; 2) state and local officials should make the decisions on how to manage pesticide wastes from households and small businesses, but current pesticide product

labels thwart those efforts by informing people to dispose of pesticides in the garbage. NAHMMA mentions that there is local liability to pay for contaminated solid waste landfills and local water supplies; 3) while NAHMMA agrees that further in-depth scientific analysis of potential impacts of various categories of pesticides is warranted, no line can be drawn among pesticides to determine which should be collected and which should be disposed of that all municipalities will agree to; 4) the EPA is asked to provide nominal funding to update and maintain the state contact list; 5) NAHMMA suggests that a PR Notice be issued with the recommended changes, and requests that the solution to the storage and disposal issue be included as part of the CLI.

At the same time, CSMA and HIPIC sent a letter of thanks to Mr. Stephen Johnson and Ms. Marcia Mulkey for meeting with CSMA and HIPIC and their member companies on January 6, 1999, to discuss issues surrounding the efforts to develop disposal instructions for partially-filled containers. The letter states that the group did reach consensus on disposal instructions for empty containers, and that over 90% of containers are empty when discarded. CSMA and HIPIC reiterated their positions that there is significant scientific data to justify disposing of partially-filled containers in the trash, and there is no understanding of how widespread the state/local laws are that prohibit this practice. The letter continues by encouraging resolution of this issue, and reiterates the organization's earlier suggestion that a committee be formed to develop risk-based criteria for directing particular consumer pesticides that may warrant special handling to waste collection programs designed to accommodate this level of management. The letter concludes by urging that any new statements be issued in a Rule as outlined by the Administrative Procedures Act.

In addition, when the effort to revise the disposal instructions on pesticide and hard surface cleaner labels by the Storage and Disposal Subgroup ended in a stalemate, the Office of Prevention, Pesticides, and Toxic Substances (OPPTS) received approximately 55 letters from organizations around the country involved with, or interested in, the subject of household hazardous waste. These letters have been included in the CLI's Administrative Record (AR-139). Generally, all of the letters reflected the following sentiments: EPA's disposal instructions should not contribute to a locality's CERCLA liability; EPA shouldn't undermine state/local authority to manage these wastes; EPA shouldn't undermine local educational efforts related to these products; in 1981 there weren't many local programs for collecting/managing these wastes but now there are; and EPA's disposal instructions shouldn't contribute to sanitation worker exposures to these products, or spills of these products into the environment.

EPA Response to Stakeholder Comments

The EPA responded by mail or e-mail to all Stakeholders who contributed substantive comments or raised specific questions during Phase II. These responses are available through the EPA's Public Docket, Administrative Record, AR-139.